

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

UNITED STATES OF AMERICA,)	
)	
)	
v.)	
)	Docket no. 2:04-cr-136-GZS
DUNG LE,)	
)	
)	
Defendant.)	
)	

ORDER ON MOTION FOR RELIEF UNDER 18 U.S.C. § 3582(C)(2)

Before the Court is a letter from Defendant (Docket # 530), which the Court treats as a Pro Se Motion for Relief under 18 U.S.C. § 3582(c)(2). 18 U.S.C. § 3582(c) does allow a court to modify a defendant's sentence in specific enumerated circumstances, including when the defendant's sentencing range has been lowered as a result of guideline amendments that are explicitly made retroactive in accordance with 28 U.S.C. § 994(o) &(u) and U.S.S.G. § 1B1.10. This Defendant previously has received a reduction pursuant to these provisions. (See Docket # 500.) To the extent he now seeks an additional reduction, neither the Fair Sentencing Act of 2010, Pub. L. No. 111-220, 124 Stat. 2372, nor the most recent related guideline amendments regarding crack cocaine quantities have been made retroactive. For this reason, the Court hereby DENIES Defendant's request to file a motion for sentence reduction and an appointment of counsel to pursue such a motion.

SO ORDERED.

/s/ George Z. Singal
United States District Judge

Dated this 22nd day of November, 2010.